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10/812,413

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EXAMINER

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ART UNIT

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3623

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/812,413

Applicant(s)

IKEZAWA, TOYOJI

Examiner

C. Michelle Tarae

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 6/29/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The following is a Non-Final Office Action in response to the communication received on March 30, 2004. Claims 1-15 are now pending in this application.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 15 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 15 recites a signal embedded in a carrier wave. A signal embedded in a carrier wave does not fall within one of the four categories of patent eligible subject matter recited in 35 U.S.C. 101 (process, machine, manufacture, or composition of matter).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 5, 8-11, 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Melchione et al. (U.S. 5,930,764).

As per claim 1, Melchione et al. discloses a sales activity management system comprising:

a database that stores activity management information concerning activity content of each salesperson and sales negotiation item information concerning each sales negotiation item that each salesperson is in charge of (col. 5, lines 32-35; col. 13, line 62-col. 14, line 6; col. 14, lines 48-54; The database is linked to a relationship profile component, an account management component, a lead management component and a sales tracking component.);

an activity content evaluation unit that evaluates the activity content of each salesperson based on at least one of the activity management information and the sales negotiation item information, registered in said database (col. 37, line 45-col. 38, line 25);

an evaluation report creating unit that generates evaluation report information concerning the activity content of each salesperson, based on the evaluation results by said activity content evaluation unit (col. 37, lines 57-61); and

an evaluation report sending unit that sends the generated evaluation report information to a terminal device of the salesperson (col. 37, lines 54-57).

As per claim 2, Melchione et al. discloses the sales activity management system according to claim 1, wherein the activity management information includes one of, or a plurality of data of, number of registered sales negotiations, number of customer calls made, hours of activity, number of agreements reached in sales negotiations, rate of agreements reached in sales negotiations, sales proceeds, and estimate proceeds (col.

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37, line 65-col. 38, line 4; col. 40, lines 3-8; col. 41, lines 65-67; Sales activity such as active leads, outcome of sales attempts, information relating to closing sales leads and amount of revenue generated by each salesperson are tracked.).

As per claim 3, Melchione et al. discloses the sales activity management system according to claim 1, wherein the sales negotiation item information includes data of progress level of each sales negotiation item (col. 39, lines 45-48; col. 40, lines 53-58; The status of each sales lead is tracked.).

As per claim 5, Melchione et al. discloses the sales activity management system according to claim 4, wherein said advise information includes activity instruction information towards each salesperson (col. 42, lines 52-65; Customer scoring and contact strategies provide advice to salespeople on what to market/sell to which customers.).

As per claim 8, Melchione et al. discloses the sales activity management system according to claim 1, further comprising:

a customer database that stores customer information concerning customers (col. 15, lines 57-63; Figure 3); and

a customer targeting unit that extracts sales negotiation item information wherein a sales negotiation progress level in the sales negotiation item information is equal to or higher than a predetermined level, targets the customer of sales negotiation indicated by the extracted sales negotiation item information, extracts the customer information of the targeted customer from the customer database, and adds the customer information to said evaluation report information (col. 27, lines 33-48; Customer meeting a certain

criteria may be selected via a database query, where the selected customers are targeted for specific marketing campaigns.).

As per claim 9, Melchione et al. discloses the sales activity management system according to claim 8, further comprising a knowledge database that stores knowledge information concerning know-how and knowledge in sales activity, correlating it with customer information registered in the customer database, wherein said customer targeting unit extracts knowledge information relating to the targeted customer from the knowledge database and sends the information to said terminal device, when sending the evaluation report information to said terminal device (col. 42, lines 51-65; col. 43, lines 5-16).

As per claim 10, Melchione et al. discloses the sales activity management system according to claim 8, further comprising a knowledge database that stores sales support information including at least one data of various promotional material, sales activity record, and delivery achievement concerning apparatuses, for using in sales activity, correlating it with customer information registered in the customer database, wherein said customer targeting unit extracts sales support information relating to the targeted customer from the knowledge database and sends the information to said terminal device, when sending the evaluation report to said terminal device (col. 42, lines 51-65; col. 43, lines 5-16).

As per claim 11, Melchione et al. discloses the sales activity management system according to claim 1, which receives information concerning results of sales activity carried out based on said evaluation report information, from said terminal

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device, and registers at least one of the activity management information and the sales negotiation item information, which are based on the received information, to said activity management information database (col. 41, lines 19-27).

Claims 13-15 recite subject matter similar to that already rejected above.

Therefore, claims 13-15 are rejected on the same basis as claims 1-3, 5, 8-11 above.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4, 6-7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Melchione et al. (U.S. 5,930,764).

As per claim 4, Melchione et al. discloses the sales activity management system according to claim 1, further comprising an activity pattern analyzing unit that extracts sales management information from said database, and analyzes the activity pattern of the salesperson, using the extracted sales management information, wherein:

said evaluation report creating unit generates advise information towards the activity content of each salesperson based on the analysis by said activity pattern analyzing unit, and adds the generated advise information to the evaluation report information (col. 41, lines 17-19 and 35-53; col. 42, lines 52-65; Sales reports show

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performance versus goals, sales by number of accounts, sales by new and existing products as well as sales by time periods. Also, customer scoring and contact strategies provide advice to salespeople on what to market/sell to which customers.). While Melchione et al. discloses measuring and reporting performance versus goal information, Melchione et al. does not expressly disclose that the sales management information that has a number or rate equal to or higher than a predetermined number of registered sales negotiations or a predetermined rate of registered sales negotiations. However, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); *MPEP* § 2106.

As per claim 6, Melchione et al. discloses the sales activity management system according to claim 4, wherein said activity pattern analyzing unit extracts sales management information from said database and analyzes the activity pattern of the salesperson using the extracted sales management information (col. 41, lines 17-19 and 35-67; col. 42, lines 52-65; Sales reports show performance versus goals, sales by number of accounts, sales by new and existing products as well as sales by time periods. The amount of revenue generated by each salesperson is also measured.).

While Melchione et al. discloses measuring and reporting revenue generated by each salesperson, Melchione et al. does not expressly disclose wherein a sales proceed or an estimate proceed is higher than a predetermined amount. However, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP. 2106.

As per claim 7, while Melchione et al. discloses measuring sales activity with which to rank for each sales person such as revenue generated by each sales person (col. 41, lines 65-67), Melchione et al. does not expressly disclose ranking the activity content of each salesperson. However, Examiner takes Official Notice that ranking the activity of a salesperson was old and well known at the time of the invention as such ranking provides salespeople with a prioritization of what activities to work on first as those activities may be more profitable, for example. Therefore, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Melchione et al. to rank the activity content of each salesperson as doing so provides salespeople with a prioritization of what activities to work on first as those activities may be more profitable, thereby enhancing the sales process.

As per claim 12, while Melchione et al. discloses the ability for managers to monitor the performance of sales people (col. 33, lines 60-67), Melchione et al. does not expressly disclose the sales activity management system according to claim 1, wherein said evaluation report information further includes data of comments input by a manager of said each salesperson. However, Examiner takes Official Notice that having managers maintain comments about their staff was old and well known at the time of the invention. Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to modify Melchione et al. to include comments input by a manager of a salesperson because doing so helps to record managers' opinions/reviews about their sales people's performance, thereby enhancing the monitoring of the performance of sales people.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Vaillancourt et al. (U.S. 7,340,410) discusses sales force automation;
- Amerasinghe et al. (U.S. 2007/0208608) discusses a forecasting and revenue management system;
- Ikezawa et al. (U.S. 7,155,424) discusses a sales management system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Tarae whose telephone number is 571-272-

6727. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 571-272-6729.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/C. Michelle Tarae/
Primary Examiner, Art Unit 3623

March 29, 2008